

ARIZONA STATE VETERINARY MEDICAL EXAMINING BOARD
1740 W. ADAMS ST., SUITE 4600, PHOENIX, ARIZONA 85007
PHONE (602) 364-1PET (1738) FAX (602) 364-1039
VETBOARD.AZ.GOV

received
6/30/22

COMPLAINT INVESTIGATION FORM

If there is an issue with more than one veterinarian please file a separate Complaint Investigation Form for each veterinarian

PLEASE PRINT OR TYPE

FOR OFFICE USE ONLY

Date Received: June 30, 2022 Case Number: 22-144

A. THIS COMPLAINT IS FILED AGAINST THE FOLLOWING:

Name of Veterinarian/CVT: PACC Veterinarian Dr. Helena Wayt

Premise Name: Pima Animal Care Center (PACC)

Premise Address: 4000 N. Silverbell Rd

City: Tucson State: AZ Zip Code: 85745

Telephone: _____

B. INFORMATION REGARDING THE INDIVIDUAL FILING COMPLAINT*:

Name: Delfina Pauline Cadena

Address: _____

City: _____ State: _____ Zip Code: _____

Home Telephone: _____ Cell Telephone: _____

*STATE LAW REQUIRES WE HAVE TO DISCLOSE YOUR NAME UNLESS WE CAN SHOW THAT DISCLOSURE WILL RESULT IN SUBSTANTIAL HARM TO YOU, SOMEONE ELSE OR THE PUBLIC PER A.R.S. § 41-1010. IF YOU HAVE REASON TO BELIEVE THAT SUBSTANTIAL HARM WILL RESULT IN DISCLOSURE OF YOUR NAME PLEASE PROVIDE COPIES OF RESTRAINING ORDERS OR OTHER DOCUMENTATION.

C. PATIENT INFORMATION (1):

Name: Sablan Animal ID A779973

Breed/Species: Tabby/ kitten

Age: 6 wks

Sex: Male

Color: Grey/black stripes

PATIENT INFORMATION (2):

Name: _____

Breed/Species: _____

Age: _____

Sex: _____

Color: _____

D. VETERINARIANS WHO HAVE PROVIDED CARE TO THIS PET FOR THIS ISSUE:

Please provide the name, address and phone number for each veterinarian.

Veterinarian at Pima Animal Care Center on site at 4000 S. Silverbell Rd Tucson, AZ 85756 per Doctors 2 saved voicemail's It sounds like she said Dr. Reed? on June 13th at 10:04 and June 14th at 10:15. Both were called approximately 10:00 a.m. each day. I also received a phone call at 10:14 a.m. from a Vet Tech (520) 724-5900 and I didn't write down her name

E. WITNESS INFORMATION:

Please provide the name, address and phone number of each witness that has direct knowledge regarding this case.

My sister Elvira Delgado whom went with me to adopt him on June 6th and was also with me in my vehicle as I was headed to PACC and I received the phone call from the apparent Vet Tech as I had her on hands free and she heard the entire conversation.

(As well as my husband Jesus Cadena and 2 Grandson were aware of the entire ordeal)

Elvira Delgado

Attestation of Person Requesting Investigation

By signing this form, I declare that the information contained herein is true and accurate to the best of my knowledge. Further, I authorize the release of any and all medical records or information necessary to complete the investigation of this case.

Signature: Dejina P. Cadena Dejina P. Cadena

Date: 22 June 2022 22 June 2022

F. ALLEGATIONS and/or CONCERNS:

Please provide all information that you feel is relevant to the complaint. This portion must be either typewritten or clearly printed in ink.

I adopted Sabian on 6 June 2022 and picked him up on 7 June from the PACC medical clinic. From the very beginning he had no appetite since his food was barely touched. I began to get very concerned when throughout the days I tried wet canned kitten food as well as dry kitten food. I made Sabian an appointment for 13 June 2022 at Santa Cruz Veterinarian Clinic since I had been trying to call PACC on June 9th - 11th to seek guidance with no response. On June 11th after Sabian had thrown up I didn't think it was safe for him to wait until Monday for his Vet appointment so I took him in to PACC to get checked out and so they can let me know what I am doing right/ and or doing wrong for him. At about 3:30 p.m. he was checked out and tested for Feline Parvo and unfortunately he tested positive. I was given two choices. I could be given meds for him and try to get him better or I can leave him there for treatment as he would be given a much more aggressive treatment with a better chance of his recovery since it sounded like it was caught pretty early but may be 5- 10 days. I was told that he was probably exposed before he was taken to PACC so I wouldn't have to worry about the cost. I agreed that he would get better treatment there and I was told to go home and disinfect everything in my house and I should be able to pick him back up as early as Friday June 10th since like she said it was caught early. On Monday I received a voicemail at 10:04 saying that he was doing really good and eating very well, very vocal and needs to be picked up. I called PACC and left a voicemail stating that I wouldn't be able to pick him up until 14 June after 5:30 since I had to finish disinfecting my house with KennelSol that I received from Amazon late Sunday night. On June 14 I was on my way home to take his cat bed outside to further disinfect with the sun at noon when I heard the Veterinarian's second Voicemail stating that she didn't know what happened but that he had passed away over night. I was distraught and confused and I left another voicemail stating so. I wasn't rude but I had been crying saying that how can he be doing very well and ready to come home one day and dying the next. From listening to each saved voicemail's (1) she sounded like it was a one sided conversation and it was a matter of fact that he was to go home on that day - not talking to me in person- not knowing what my situation was. At the most I thought I would get charged for an overnight fee and I was ok with that since there was no way that I can go get him. (2) Voicemail she states that he had passed overnight and she was very surprised. I'm sure kittens die unexpectedly but I didn't understand how she would be so insensitive as to inform me by voicemail. I called on 6/15, 6/16, 6/17 for instructions on what to do next since I would like to bury my baby kitten here at home where even in the short time we had him, we all loved him and I wanted to bury him at home or pay for him to be cremated. On Saturday morning my sister Elvira and I were on our way to PACC to retrieve/inquire about his body since I hadn't received a phone call wanting to finally speak to a live person. Anyhow, on our way at 10:18 I received a phone call from a Vet Tech I suppose saying that since his vomiting and diarrhea had progressed he had been euthanized. I was very confused and I realized that I had been lied to but I decided that I wasn't going to blame her nor be rude and left the entire conversation of my anguish and confusion. I really want an investigation to what really happened to him and I feel that being that they are supposed to love animals the entire ordeal should have been handled very differently. Unfortunately if you listen to the voicemails it sounds like he was a bother to her because he was vocal and contagious and he needed to die since I didn't jump and pick him up when she politely assumed that I could pick him up ASAP. I wouldn't want any other families to go through what we went through. Please thoroughly investigate.

* Forgot to mention: Vet Tech stated I couldn't retrieve his body because he was group cremated.

7/10/2022

AZ State Veterinary Medical Examining Board

1740 W Adams St. , STE 4600

Phoenix Arizona, 85700

To whom it may concern,

Below is my response to a board complaint against my license regarding an approximately 6 week old kitten named Sabian who was adopted from our municipal shelter, Pima Animal Care Center (PACC). Sabian subsequently developed clinical signs and tested positive for panleukopenia. Despite aggressive supportive care at our facility, the kitten went agonal and was euthanized.

Sabian (779973) was adopted at PACC 6/6/22, neutered 6/7/22, and released to his adopter the same day. Ms. Cadena signed and initialed statements on our adoption agreement acknowledging that shelter animals may be incubating infectious diseases and that she agreed to take over all medical care and associated costs for her newly adopted pet. A signed copy of this agreement is included. Ms. Cadena brought Sabian home and noted decreased appetite and vomiting. Ms. Cadena returned to the clinic on Saturday 6/11 asking for medical care. Pima Animal Care Center does not treat owned animals outside of dispensing free vaccinations at public clinics. However, because emergency visits are cost prohibitive for many adopters and it can take days if not weeks to get an appointment at a general practice, PACC's clinic sometimes agrees to see animals that have been recently adopted. We agreed to see Ms. Cadena's kitten at no cost. I was not at PACC that day but a veterinary colleague diagnosed the kitten with panleukopenia. Due to the poor prognosis associated with panleukopenia, the kitten was checked back into shelter population for aggressive treatment as a county-owned animal.

To my knowledge, the only PACC staff person that communicated with Ms. Cadena on 6/11 was our medical technician Jessica Franco. I requested that Ms. Franco also submit a summary of her communication from that day. I was unaware that Ms. Cadena had an appointment at Santa Cruz Vet Clinic. Jessica booked Sabian back into our system as an "owner surrender" on June 11 so that we could legally provide care. Sabian was still eating, bright and active, so we offered conservative, at-home treatment if Ms. Cadena was willing to learn treatments as Sabien's "foster-to-adopt" caretaker. Ms. Cadena declined to treat the kitten herself and opted for hospitalization.

I was the sole veterinarian at the shelter on Sunday 6/12. Sabian was housed alone in a large isolation room within the clinic next to my desk. He was very active, playful, vocal, and eating well. Because Sabian was doing so well, I instructed technician Jessica to call Ms. Cadena to pick him up. Ms. Cadena missed the call so Jessica left a voice message.

On 6/13, Sabian continued to do well. During his stay we didn't record any vomiting or diarrhea. I discontinued the IV ampicillin and IV fluids because Sabian was again eating, playful and bright. Cerenia was still ordered and Convenia had been given on 6/11. I called Ms. Cadena June 13 and left a voicemail that Sabian was doing well and could go home. I added that he was vocal and wanted attention.

I can understand how my message to Ms. Cadena on June 13 may have sounded hasty or premature considering Sabian's terminal decline that night. However, the national standard for shelter medicine that is upheld by our medical director (Dr. Jen Wilcox) prioritizes mitigating contagious disease within our resident population and demands rapid turn-over of animals through our medical service to make room for incoming sick and injured homeless animals. Unlike a private practice, we do not offer boarding services and have been beyond maximum capacity for months.

That night around 8pm, I received a phone call from our late night technician Chris Walker stating that he found Sabian lateral, cold and agonal. He saw Sabian was in distress and euthanized to help his passing. All the staff can attest to the fact that Sabian was clinically doing well and his passing was a surprise.

On June 14, I called all 3 numbers for Ms. Cadena that we had on file without any response. I was unsure if we would ever get into contact with Ms. Cadena so I called the first number on file again, and decided to leave a voicemail informing her that Sabian had passed. I assumed that telling her over voicemail would be the most effective way to ensure she received the news, since she had not responded to other voicemails.

Per our voicemail log recorded by the County, Ms. Cadena did not call us back and we found no other voicemails to our main clinic reception phone or the vet terminal from any of her registered phone numbers from 6/11 to 6/14. We have attached ongoing voicemail updates to Ms. Cadena regarding Sabian on June 13 and 14. At no point in these days did Ms. Cadena come to PACC in person.

Our receptionist was out that week with a sick child so our technicians were responding to voicemails when time permitted. Our technician Beck Nash can recall at least 3 voicemails from approximately the days after Sabian's passing. Beck returned Ms. Cadena's call on June 18th. Beck told Ms. Cadena that Sabian was euthanized as noted in our computer system. I assume this is where some of the misunderstanding may have stemmed from. I had told Ms. Cadena that Sabian had passed over voicemail because it was a much quicker explanation than stating he was agonal and we assisted with his passing. Beck and Ms. Cadena discussed Sabian's ashes and how Ms. Cadena was on her way to adopt a second kitten. Ms. Cadena concluded the call on an understanding note, and gave Beck no indication that she was still upset, or wanted to seek punitive action.

I recently discovered from Beck that a clinic volunteer checked a voicemail from Ms. Cadena a couple of weeks ago wanting medical records, doctor names, etc. I was off work that day, and the message was never passed along to me. I was never told until I received a letter from the board that Ms. Cadena had ever tried to contact the clinic. Up to this moment, I never knew she called back at all.

I want to ensure the board there was no medical mismanagement with this case. The doctor before me and myself treated Sabian appropriately and humanely. Ms. Cadena was not required to pay anything for Sabian's adoption or his medical care during hospitalization. I do acknowledge that with many different phone extensions at PACC, combined with short staffing, it can be difficult to reach the clinic. This is something I unfortunately have no control over. However, myself and my staff contacted Ms. Cadena every day during Sabian's treatment and can't find evidence that she called us back during those days. We were under no obligation to treat her pet post-adoption, but did anyways as we always try to help our community and ensure adoptions are successful. This misunderstanding seems to lapse from a

lack of communication on the part of Ms. Cadena during Sabian's stay, as well as a lack of communication that is out of my control after his passing.

Attached are the voicemails I left Ms. Cadena on 6/13 and 6/14, the conversation between Beck and Ms. Cadena, and the statements from PACC technicians Jessica Franco and Chris Walker. I was not able to obtain a statement from Beck due to our schedules, but all the contacts are listed below. Additionally a copy of the adoption agreement is attached.

Jessica Franco [REDACTED]
Chris Walker [REDACTED]
Beck N [REDACTED]
Jennifer Wilcox, DVM (PACC) [REDACTED]

Sincerely,

Dr. Helena Wayt
[REDACTED]

DOUGLAS A. DUCEY
- GOVERNOR -



VICTORIA WHITMORE
- EXECUTIVE DIRECTOR -

ARIZONA STATE VETERINARY MEDICAL EXAMINING BOARD

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INVESTIGATIVE DIVISION REPORT

TO: Arizona State Veterinary Medical Examining Board

FROM: Investigative Division

RE: Case: 22-144

Complainant(s): Delfina Pauline Cadena

Respondent(s): Helena Wayt, DVM (License: 7127)

SUMMARY:

Complaint Received at Board Office: 6/30/22
Board Discussion: 9/28/22

APPLICABLE STATUTES AND RULES:

Laws as Amended August 2018
(Lime Green); Rules as Revised
September 2013 (Yellow).

On June 6, 2022, "Sabian," a 6-week-old male domestic short hair cat was adopted from PACC by Complainant. The following day the kitten was neutered and released to Complainant.

On June 11, 2022, the kitten was presented to Respondent's associate due to decreased appetite and vomiting. The cat tested positive for panleukopenia. The kitten was checked back into the shelter for aggressive treatment as a county-owned animal; there would be no cost to Complainant.

On June 12, 2022, Respondent oversaw the care of the kitten. The kitten was active, playful and vocal; therefore, a voicemail was left with Complainant to pick up the kitten.

On June 13, 2022, the kitten continued to do well and Respondent left a message for Complainant that the kitten could go home. Complainant could not pick up the kitten until the following day.

Later that evening, the cat was found lateral, cold and agonal, therefore the cat was humanely euthanized.

The following day, Respondent advised Complainant that the cat had passed away. Complainant was concerned that she was initially told the cat passed away then was advised that the cat was euthanized.

PROPOSED 'FINDINGS of FACT':

1. On June 6, 2022, Complainant adopted the kitten and completed the adoption paperwork.
2. On June 7, 2022, the cat was neutered and Complainant picked up the kitten that day.
3. Complainant became concerned for the kitten due to decreased appetite. She made an appointment with a veterinarian for June 13th. She stated that she attempted to call Respondent's premises/animal shelter – Pima Animal Care Center (PACC) – from June 9th through 11th for guidance, without response.
4. On June 11, 2022, the kitten vomiting, therefore Complainant felt it would be best to bring the cat to PACC instead of waiting for the scheduled June 13th veterinarian appointment. Staff member, Ms. Franco, greeted Complainant; the kitten was tested for panleukopenia, which was positive, and treatment options were offered. At-home treatment was offered which would be considered "foster-to-adopt" – Complainant declined. Ms. Franco explained that they could hospitalize the kitten but the kitten would be checked back into their care in order to treat resulting in no charge to Complainant – Complainant agreed. The kitten was booked back into their system as an owner surrender so they could legally provide care.
5. The adoption document that Complainant initialed and signed reads in part... *"If I am unable to or unwilling to pursue veterinary care at my private veterinarian following adoption, I understand that I may return the animal to PACC. If the animal is returned to PACC due to illness or injury, ownership shall revert to PACC who will evaluate the animal to determine whether the animal will be provided medical treatment, placement, or euthanasia. PACC does not pay any medical expenses for animals it does not own."*
6. The kitten was hospitalized for supportive care and treatment.
7. On June 12 2022, Respondent was in charge of the kitten's care. He was housed near her desk; she observed the kitten eating well, active, playful and vocal. Respondent instructed Ms. Franco to call Complainant to pick up the kitten. Ms. Franco had to leave a voicemail
8. On June 13, 2022, the cat continued to do well. Respondent discontinued the IV medication and fluids and called Complainant to relay the kitten was doing well and could go home. Respondent had to leave a message.
9. Complainant stated that she left a message at PACC explaining could not pick up the kitten until June 14th after 5:30pm since she was still disinfecting the house.
10. Later that evening (8pm), Respondent stated that she received a call from night staff member, Mr. Walker, reporting that he found the kitten lateral, cold and agonal. The cat was in distress therefore Mr. Walker euthanized the kitten to assist with his passing.
11. On June 14, 2022, Respondent stated she attempted to call all three numbers they had on file for Complainant without any response. Since she was unsure if they would ever get in

contact with Complainant, Respondent called the first number again and decided to leave a voicemail to ensure Complainant received the news about the kitten. Complainant had not responded to previous voicemails to Respondent's knowledge. Respondent stated that she chose to tell Complainant that the cat had passed because it was a quicker explanation than stating the cat was agonal and they assisted with his passing.

12. Complainant stated that she called and left voicemails on June 15th, 16th and 17th to ask about obtaining the kitten's remains to bury them at home. She felt it was insensitive of Respondent to advise her of the cat's passing over voicemail.

13. On June 18, 2022, staff member, Beck Nash, retrieved the voicemails from Complainant and returned her call. Based on the notes in the computer system, she told Complainant that the cat was euthanized. This confused Complainant as she was advised by Respondent that the kitten had passed away.

14. Respondent stated that she acknowledges that it can be difficult to reach the clinic due to many phone extensions, combined with short staffing, which she has no control over. However, she and the admitting veterinarian medically managed the case appropriately. Additionally, Respondent or staff contacted Complainant every day during the cat's treatment and could not find evidence that Complainant called back during those days. They were under no obligation to treat the cat post-adoption, but did anyway to try to help the community and ensure adoptions are successful.

15. The kitten was relinquished back to PACC for care and treatment thus the cat was not publicly owned. Respondent was treating a kitten that was owned by her employer, not Complainant.

The information contained in this report was obtained from the case file, which includes the complaint, the respondent's response, any consulting veterinarian or witness input, and any other sources used to gather information for the investigation.

TR

Tracy A. Riendeau, CVT
Investigative Division